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ORIGINAL

25 September 1996

Federal Communications Commission
Office of the Secretary
Washington, DC 20554

Re: FCC CC Docket 96-98, CC-Docket 95-195, NSD File 96-8,
CC Docket 92-237, and IAD file 94-102;
Petition for Declaratory Ruling
or in the alternative
Petition for Reconsideration

DOCKET FILE COPY ORIGINAL

To: The Secretary of the Federal Communications Commission

Pursuant to FCC Rules §1.51, please find herewith an original and fourteen (14) copies of a "Petition for Declaratory Ruling, or in the alternative, Petition for Reconsideration", of one aspect of the "Second Report and Order and Memorandum Opinion and Order" in the combined proceedings of FCC CC Docket 96-98, CC-Docket 95-195, NSD File 96-8, CC Docket 92-237, and IAD file 94-102.

This "Petition for Declaratory Ruling" is submitted per Rules §1.2. In the alternative, this pleading may be treated as a "Petition for Reconsideration" per Rules §1.429.

Please note that per Rules §1.429(e), and absence of a stated requirement in Rules §1.2, due to the very large number of parties of record in these proceedings, individual service has not been provided. However, any party may request a copy of this Petition from the Petitioner.

Also please find an additional copy of this cover letter marked "File Copy". Please date stamp said "File Copy" and return it to the petitioner in the provided, addressed, postage pre-paid, return envelope.

Communications and questions may be addressed directly to the petitioner, undersigned.

Respectfully submitted,

Jan David Jubon, P. E.

Attmts:

No. of Copies rec'd 0+14
List A B C D E

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the matters of:	)	
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers	)	CC Docket No. 95-185
	)	
Area Code Relief Plan for Dallas and Houston, Ordered by the Public Utility Commission of Texas	)	NSD File No. 96-8
	)	
Administration of the North American Numbering Plan	)	CC Docket No. 92-237
	)	
Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois	)	IAD File No. 94-102

PETITION FOR DECLARATORY RULING
or in the alternative
PETITION FOR RECONSIDERATION

Summary:

1. Jan David Jubon, an individual petitioner, requests issuance of a Declaratory Ruling, or in the alternative, Reconsideration by the Federal Communications Commission, relating to its newly adopted Rule §52.19(c). In this Rule, the FCC requires that telephone area code relief relying upon an "overlay area code" be accompanied by "mandatory ten-digit dialing" throughout the service area of the new overlay.

2. Petitioner submits that the FCC appears to have inadvertently overlooked the widespread practice of "1+" prefixing required for end user dialing of 10-digit and/or toll calling and that "1"+10-digit dialing should be standardized as a pro-competitive, pro-consumer, national default dialing procedure for all calling.

3. Petitioner further submits that state prescription of supplementary local dial plans (i) which may omit the "1+" for local calling, (ii) which adhere to the FCC's all-ten-digit dialing requirement for overlay area code locales, and (iii) which do not block "1"+10-digit completion of all calls, inclusive of local calls, should be permitted.

Petition for Declaratory Ruling
or in the alternative
Petition for Reconsideration

Introduction:

4. Jan David Jubon, an individual ("Petitioner" or "Mr. Jubon"), pursuant to FCC Rules §1.2, hereby petitions the Federal Communications Commission to issue a Declaratory Ruling regarding newly adopted Rules §52.19(c). In the alternative and pursuant to Rules §1.429, Petitioner requests that the Commission reconsider its action adopting the specific text of Rules §52.19(c). Rule §52.19(c) was adopted within the "Second Report and Order and Memorandum Opinion and Order" in the combined proceedings of FCC CC Docket No. 96-98, CC-Docket No. 95-195, NSD File No. 96-8, CC Docket No. 92-237, and IAD File No. 94-102 (hereinafter, "the Second Order").

5. Mr. Jubon is a practicing professional engineer specializing in public telecommunications matters. His credentials are matters of record with this Commission. Mr. Jubon maintains his residence and professional office at 3816 Winters Hill Drive, Atlanta, Georgia 30360-1331. As both a professional and advisor in the

telecommunications industry, and as a member of the public affected by the Second Order and Rule §52.19(c), Mr. Jubon has standing in this proceeding.

Background:

6. In its Second Order, the Commission addressed, inter alia, many of the sensitive competitive and public perception considerations, and some of the public education and notification issues surrounding rapid and widespread introduction of additional telephone area codes to accommodate the "explosion" of public switched telecommunications usage throughout this nation. More specifically, the Commission ruled that numbering relief relying upon introduction of a new "overlay area code" be preceded or accompanied by "mandatory ten-digit dialing" throughout the service area of the new overlay.[1]

7. Petitioner respectfully submits, however, that while addressing "local" issues surrounding consumer dialing parities, uniformities, and competitive advantages, the Commission appears to have inadvertently overlooked the long-standing, nationally used, and presently often electrically/logically necessary, "1+" prefixing requirement included with end user dialing practices for 10-digit and/or toll calling in the Public Switched Telephone Network (PSTN). The Commission was also silent toward accommodating the related and growing need for a basic, nationwide dialing uniformity addressing convenience for traveling consumers of ordinary wireline telephone services (i.e.: POTS).

Dialing should embrace both 10-digit and "1"+10-digit formats:

8. It is generally conceded that a 10-digit/"1"+10-digit dialing plan will inevitably replace 7-digit/"1"+10-digit dialing within most areas served by the North American Numbering Plan area, particularly those requiring area code relief, whether such relief

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[1] See Rule §52.19(c)(3)(ii); Second Order at ¶286.

takes the form of geographic splits[2] or overlays. There is no consensus that a uniformly 10-digit end user dialing plan, absent "1+" dialing can or will, in any moderate time-frame, replace a 10-digit/"1"+10-digit plan.

9. In its Second Order, the Commission prescribed a dialing convention "for every telephone call within and between all area codes in the geographic area covered by the overlay area code" requiring such calls to be dialed using the full 10-digit telephone number (NPA-NXX-XXXX).[3] This obviates continued use of 7-digit dialing. It may however, also be easily inferred from the texts of the Second Order at ¶286 and Rules §52.19(c)(3)(ii) that "1"+10 digit dialing of any calls is not, for an overlay environment, a proper interpretation of the Commission's intent. If an interpretation of impropriety is, however, correct, Petitioner respectfully submits that such an interpretation serves neither the public interest nor convenience, nor any competitive interest, and should be reconsidered.

10. Already in most areas, all "toll"/"long distance" calling,[4] whether within the same area code or to a different area code must use a "1"+10-digit dialing pattern (1+NPA-NXX-XXXX)[5]. Some areas also require use of "1"+10-digit dialing for local calls to telephones having an area code different from that of the calling line and either stand-

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2 The Commission notes, "... continuously splitting area codes will result in area codes not covering even single neighborhoods, a situation that can only be avoided by implementing overlays ... . Consumers will become accustomed to ten-digit dialing" (Second Order at ¶283). This divisiveness has already occurred. Consider for example the Los Angeles Basin, greater Chicago, urban northern New Jersey, the area using "Atlanta, Georgia 303xx" as its legal address, et. al.

3 See Rule §52.19(c)(3)(ii)

4 ... assuming use of the caller's appropriate pre-subscribed or local carrier ...

5 e.g.: Washington-Baltimore area, Richmond area, Boston area.

alone 7-digit or "1"+10-digit dialing to same area local numbers.[6] Others require dialing of all local calls without a leading "1", handling stand alone 10-digit dialing to local telephones in a different area code, stand-alone 7-digit or 10-digit dialing to local same-area-code numbers, but specifically blocking "1"+10 digit local dialing.[7] Yet in other areas, "1"+10 digits is a defacto default for all calling whether local or toll, within the same or to a different area code, and is usually used in concert with one of the above local-only dialing arrangements for local traffic.[8]

11. Put more succinctly, "1"+10-digit dialing is probably more familiar to most of the public for more calls than is stand-alone 10-digit dialing.[9] Therefore, "1"+10-digits would appear to be the principal candidate for any prescription of a national, universal "10-digit" dialing default format. Adoption of a "1"+10-digit default for all calling does not preclude state regulators wishing to preserve the distinction that absence of a leading

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6 e.g.: New York City area, New Jersey.

7 e.g.: many BellSouth areas, such as Greater Atlanta

8 e.g.: many Bell Atlantic service areas, including Washington-Baltimore, et. al.

9 Historically, "1+" dialing was necessary, not to signify toll/long distance, but in direct control (e.g.: step-by-step) local switching systems, to route a call from the local switches to the serving toll tandem switch. In this early usage, "1+" could be followed by anywhere from three (3) to ten (10) digits (and even more in a few scattered cases). This electro-mechanical need disappeared with the advent of common control local switches. Many state regulators, however, "converted" the former mechanical necessity into regulatory fiat, believing that telephone end users needed the now cosmetic "protection" of "1+" to indicate that per call charges usually could be expected. Interestingly, "1+" was not widely adopted as a call charge indicator where local jurisdiction message/measured charges applied. In the early 1970s, with New York City and Los Angeles requiring "interchangeable" NXX codes ("0" or "1" in the fifth digit position of the 10-digit NANP number), leading "1+" again had a definitive electrical purpose, being widely used to signify "10-digits following", whereas any other leading digit, except zero, normally meant "7-digits following" (This arrangement was the most electrically, equipment cost, and time efficient of several methods of 7/10-digit differentiation). Accommodating those regulators still preferring "1+" as a charge warning, and the expanding use of interchangeable NXXs, and since 1995, interchangeable area codes, the telephone industry embraced the concept of "1"+10-digit toll regardless of area code.

"1+" defines a call as "local" from doing so. State prescription of a supplementary stand-alone 10-digit dialing procedure for "local" calls is fully compatible with a national "1"+10-digit default dialing format, provided that all local calls can also be successfully completed using the "1"+10-digit default format.

12. "1"+10-digit permissive dialing for all traffic is a proven, and wholly competition-neutral, if not competition-positive dialing default. The imminent, near-simultaneous advent of both "local" number portability and competition in provision of local exchange services only reinforces this thesis. "True local competition" will bring with it widely differing definitions of "local call" as each competing provider asserts its marketing macho. Portability will detach visual clues which have heretofore permitted easy consumer differentiation between suppliers and "local calling plans". It is terribly short-sighted to believe that as the quantity of local service offerings and telephone numbers in an area continues to grow, a substantial segment of the public is going to remember, or even will care to remember which of a plethora of increasingly similar codes and telephone numbers is dialed with or without a leading "one". This is especially true for travelers through and visitors to an area. Accordingly, a prescription embracing only stand-alone 10-digit local dialing and "1"+10-digit "toll"/"long distance" dialing, absent a permissive "1"+10-digit local dialing default will only serve to frustrate both consumer and competition. Moreover, an inclusive, permissive "1"+10-digit local prescription should apply to all area code relief environments including overlays, since it affords increased network and competitive viability for all relief scenarios.[10]

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[10] e.g.: Cellular telephony has as an industry, for many years embraced the universal, permissive "1"+10-digit dialing pattern. Customer confusion is reduced, blocked dialing is minimized, and for those traveling from city to city, the question of "local" versus "toll '1+'" is irrelevant, unless the consumer wants it to be an issue.

13. There are also operational and economic reasons for adopting/prescribing a permissive "1"+10-digit local call dialing option. Some persons will inevitably dial what should be local calls using a "1"+10-digit pattern.[11] With a "local call requires stand-alone 10-digit" interpretation, service providers are, for no electrical or mechanical purpose, forced to block "1"+10-digit calls with an informational announcement, thereby requiring re-dialing of an otherwise perfectly connectable call. However, for the call to subsequently be successful, the caller has had to set aside frustration after succumbing to the urge to dial-again-immediately, and has had to have paused long enough to listen to the specifics of the blocking announcement. "1+" local blocking is a wholly unnecessary and often annoying public inconvenience. It also requires the availability of additional, and otherwise unneeded, telephone central office equipment, call processing, and message handling capacity, and produces absolutely no attributable revenue or benefit.

14. It must be emphasized that by prescribing, or at least permitting, "1"+10-digit local calling, the Commission does not reduce the availability of choice to local regulatory jurisdictions of using plain 10-digit, or for that matter 7-digit (where it remains permissible), primary local dialing, nor does it compromise the perceived protection of the public interest by requiring dialing of the "toll warning" leading digit "1" for toll calling. It just means that an end user who dials a local call using "1"+10-digits will be

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[11] Consider, for example, the traveling businessperson, at a wireline phone without an obvious number designation card, calling various clients throughout a region, or that same person, on five weekday evenings, each in a different hotel in a different city, poking at a notebook computer's internal "phone book" and dialer program, trying to remember when to dial "1"+7-digits, "1"+10 digits, 10-digits-only, or just 7-digits. Or, simplistically enough, consider even the average Washingtonian (or Marylander, or Virginian ...), trying to call "home" variously from National Airport, Union Station, or Greenbelt or Gaithersburg absent the standardized, permissive "1"+10-digit "everywhere" dial plan, generally available in metropolitan Washington as a supplement to the "published" "7-digit same area code 'local', 10-digit other (and same) area code 'local', '1'+10-digit 'all toll'" dial plan. There are innumerable additional examples ... .

pleasantly surprised when no call charge appears on his telephone bill. Further, for a large section of the public, it preserves the status quo, a desirable attribute.

15. Regularizing permissive "1"+10-digit dialing of all calls, both long distance and local, is also a procedure endorsed in one of the definitive references for local exchange network operating characteristics, Bellcore's "BOC Notes on the LEC Networks 1994", SR-TSV-002275 Issue 2, April 1994, Section 3 generally, Tables 3-6 and 3-7 (photocopies of Tables attached as Exhibits hereto).

Conclusion:

16. In consideration of the above information and reasoning, and the public interest and convenience, it is respectfully requested that the FCC clarify, or as may be appropriate, reconsider, its actions taken in its Second Order by supplementing Rules §52.19(c)(3)(ii) with the clarifying wording proposed below, and supplementing Rules §52.19(c) with the addition of a new subsection (4), also as proposed below. ...

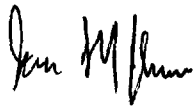
> 52.19(c)(3)(ii) No area code overlay may be implemented unless there exists, at the time of implementation, mandatory ten-digit **and/or "1"+10-digit** dialing for every telephone call within and between all area codes in the geographic area covered by the overlay code; and
>
> * * * * *
>
> **52.19(c)(4) At any time area code relief is implemented per this section (c), there shall at the time of implementation of relief, exist throughout the geographic area of both the area code(s) being relieved and the area code(s) being introduced, the ability to use "1"+10-digit dialing for every telephone call to telephones within the NANP. Supplementary dialing procedures which, for some or all intrastate calling, do not require use of a leading "1+" , or where permissible, the continued use of less than ten-digit dialing, may be implemented by state commissions.**

(Continued on next page ...)

Statement regarding service of Petition:

17. Per Rules §1.429(e), and absence of a stated requirement in Rules §1.2, due to the very large number of parties of record in these proceedings, individual service to parties of record has not been provided. However, any party may request a copy of this Petition from the Petitioner.

Respectfully submitted,



Jan David Jubon, P. E.

Attachments: 2 pp. - Exhibits (SR-TSV-002275 Iss. 2 - Tables 3-6 and 3-7)

Table 3-6. Recommended Dialing Procedures for Locations with SXS Equipment*

Type of Call	Without Interchangeable CO Codes				With Interchangeable CO Codes**			
	Pre-Fix	Area Code	CO Code	Use	Pre-Fix	Area Code†	CO Code	Use
Local Direct-Dialed HNPA			NNX-XXXX	R			NXX-XXXX	R
	1+		NNX-XXXX	NR	1+		NXX-XXXX	NR
		N 0/1 X +	NNX-XXXX	NR		N 0/1 X +	NXX-XXXX	NR
	1+	N 0/1 X +	NNX-XXXX	P	1+	N 0/1 X +	NXX-XXXX	P
FNPA [*Protected Codes*]			NNX-XXXX	R			NXX-XXXX	R
	1+		NNX-XXXX	NR	1+		NXX-XXXX	NR
		N 0/1 X +	NNX-XXXX	NR		N 0/1 X +	NXX-XXXX	NR
	1+	N 0/1 X +	NNX-XXXX	P	1+	N 0/1 X +	NXX-XXXX	P
FNPA [*Nonprotected Codes*]		N 0/1 X +	NNX-XXXX	NR		N 0/1 X +	NXX-XXXX	NR
	1+	N 0/1X +	NNX-XXXX	R	1+	N 0/1 X +	NXX-XXXX	R
Toll Direct-Dialed HNPA			NNX-XXXX	R			NXX-XXXX	NR
	1+		NNX-XXXX	NR	1+		NXX-XXXX	NR
		N 0/1X +	NNX-XXXX	NR		N 0/1 X +	NXX-XXXX	NR
	1+	N 0/1 X +	NNX-XXXX	P	1+	N 0/1 X +	NXX-XXXX	R
FNPA		N 0/1 X +	NNX-XXXX	NR		N 0/1 X +	NXX-XXXX	NR
	1+	N 0/1 X +	NNX-XXXX	R	1+	N 0/1 X +	NXX-XXXX	R
All Operator-Assisted HNPA	0+		NNX-XXXX	R	0+		NXX-XXXX	NR
	0+	N 0/1 X +	NNX-XXXX	P	0+	N 0/1 X +	NXX-XXXX	R
FNPA [*Protected Codes*]	0+		NNX-XXXX	R	0+		NXX-XXXX	NR
	0+	N 0/1 X +	NNX-XXXX	P	0+	N 0/1 X +	NXX-XXXX	R
FNPA [*Nonprotected Codes*]	0+	N 0/1 X +	NNX-XXXX	R	0+	N 0/1 X +	NXX-XXXX	R

Legend:

0/1	= Digit 0 or 1	P	= Permissive procedure permitted in addition to recommended procedure
CO	= Central Office		
FNPA	= Foreign Numbering Plan Area		
HNPA	= Home Numbering Plan Area	R	= Recommended procedure
N	= Any digit 2 through 9	SXS	= Step-by-Step
NR	= Procedure not recommended	X	= Any digit 0 through 9.

* In locations where PGD has been implemented, if the caller is not presubscribed to an IC, interLATA calls require use of a CAC currently in the form 10XXX preceding the dialing format shown in this table.

** Unless timing is used, in addition to being required in those NPAs using interchangeable Central Office codes, these procedures are the recommended objectives for all areas. They will also be required (unless timing is used) in all areas when INPA codes are implemented in the NANP.

† These dialing procedures will also apply for INPA codes. In this case, the NPA code format also will become NXX (versus N 0/1 X).

Table 3-7. Recommended Dialing Procedures for Locations without SXS Equipment*

Type of Call	Without Interchangeable CO Codes				With Interchangeable CO Codes**			
	Pre-Fix	Area Code	CO Code	Use	Pre-Fix	Area Code†	CO Code	Use
Local Direct-Dialed HNPA			NNX-XXXX	R			NXX-XXXX	R†
	1+		NNX-XXXX	NR	1+		NXX-XXXX	NR
		N 0/1 X +	NNX-XXXX	NR		N 0/1 X +	NXX-XXXX	NR
	1+	N 0/1 X +	NNX-XXXX	P	1+	N 0/1 X +	NXX-XXXX	P
FNPA *(Protected Codes)*			NNX-XXXX	R			NXX-XXXX	R
	1+		NNX-XXXX	NR	1+		NXX-XXXX	NR
		N 0/1 X +	NNX-XXXX	NR		N 0/1 X +	NXX-XXXX	NR
	1+	N 0/1 X +	NNX-XXXX	P	1+	N 0/1 X +	NXX-XXXX	P
FNPA *(Nonprotected Codes)*		N 0/1 X +	NNX-XXXX	NR		N 0/1 X +	NXX-XXXX	NR
	1+	N 0/1X +	NNX-XXXX	R	1+	N 0/1 X +	NXX-XXXX	R‡
Toll-Direct Dialed HNPA			NNX-XXXX	R			NXX-XXXX	R‡
	1+		NNX-XXXX	NR	1+		NXX-XXXX	NR
		N 0/1X +	NNX-XXXX	NR		N 0/1 X +	NXX-XXXX	NR
	1+	N 0/1 X +	NNX-XXXX	P	1+	N 0/1 X +	NXX-XXXX	P
FNPA		N 0/1 X +	NNX-XXXX	R		N 0/1 X +	NXX-XXXX	NR
	1+	N 0/1 X +	NNX-XXXX	P	1+	N 0/1 X +	NXX-XXXX	R‡
All-Operator Assisted HNPA	0+		NNX-XXXX	R	0+		NXX-XXXX	NR
	0+	N 0/1 X +	NNX-XXXX	P	0+	N 0/1 X +	NXX-XXXX	R‡
FNPA *(Protected Codes)*	0+		NNX-XXXX	R	0+		NXX-XXXX	NR
	0+	N 0/1 X +	NNX-XXXX	P	0+	N 0/1 X +	NXX-XXXX	R
FNPA *(Nonprotected Codes)*	0+	N 0/1 X +	NNX-XXXX	R	0+	N 0/1 X +	NXX-XXXX	R‡

Legend:

0/1	= Digit 0 or 1	P	= Permissive procedure be permitted in addition to recommended procedure
CO	= Central Office		
FNPA	= Foreign Numbering Plan Area		
HNPA	= Home Numbering Plan Area	R	= Recommended procedure
N	= Any digit 2 through 9	SXS	= Step-by-Step
NR	= Procedure not recommended	X	= Any digit 0 through 9

* In locations where FGD has been implemented, if the caller is not presubscribed to an IC, interLATA calls require use of a CAC currently in the form 10XXX preceding the dialing format shown in this table.

** Unless timing is used, in addition to being required in those NPAs using interchangeable Central Office codes, these procedures are the recommended objectives for all areas. They will also be required (unless timing is used) in all areas when INPA codes are implemented in the NANP.

† These dialing procedures will also apply for INPA codes. In this case, the NPA code format also will become NXX (versus N 0/1 X).

‡ These are the recommended long-term procedures to apply after SXS equipment and protected codes become obsolete.